

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-LHK (SVK)

**ORDER FOLLOWING OCTOBER 27,
2021 DISCOVERY HEARING**

Re: Dkt. Nos. 290, 296

On October 27, 2021, the Court held a discovery hearing by Zoom on the Parties' clawback dispute (Dkt. 290) and privilege log dispute (Dkt. 296). For the reasons discussed at the hearing, the Court **ORDERS** as follows:

Clawback dispute (Dkt. 290)

Following review of the Parties' submissions and an *in camera* review of the document at issue, the Court finds that Google has made a clear showing with the attorney declarations submitted that the highlighted sections of the document at issue either contain attorney-client communications involving legal advice or are closely integrated with such protected communications. The Court finds no waiver on the facts of this case because the language at issue is not quoted in the case management filings cited by Plaintiffs. Accordingly, Google's clawback of the document at issue is proper.

Privilege Log Dispute (Dkt. 296)

Plaintiffs may select for re-review by Google (1) up to 300 docs from the July and/or August privilege logs and (2) up to 300 documents from the privilege log due October 27, 2021. The re-reviews are to be conducted promptly with prioritization for documents involving persons noticed for or likely to be noticed for deposition. The Parties are to meet and confer regarding the specific timing of and prioritization within each re-review; if they cannot agree, they are to

1 promptly submit their competing proposals to the Court. If, following the re-review of documents
2 identified on the October privilege log, Plaintiffs believe additional documents from that log
3 should be re-reviewed, they may submit a request supported by a showing why re-review of
4 additional documents is warranted. The Parties are also to meet and confer regarding a similar
5 process, as needed, for future productions.

6 **Other Issues**

7 At the hearing, the Parties discussed a possible dispute over scheduling the depositions of
8 the named Plaintiffs. The Parties are directed to meet and confer and, if they cannot resolve this
9 issue, submit their dispute to the Court no later than **October 29, 2021**.

10 **SO ORDERED.**

11 Dated: October 27, 2021

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14 SUSAN VAN KEULEN
15 United States Magistrate Judge
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